

ORIGINAL

FILED

AUG 09 2001

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

RECEIVED

JUL - 2 2001

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DAVID OSHER, On Behalf of Himself and All
Others Similarly Situated,

Plaintiff,

vs.

U.S. AGGREGATES, INC., et al.,

Defendants.

No. C-01-1688-CW

CLASS ACTION

~~PROPOSED~~ ORDER GRANTING
MOTION TO CONSOLIDATE RELATED
ACTIONS

Plaintiff's Counsel are directed to serve this
order upon all other parties in this action.

This Court, having considered Movant's Motion to Consolidate Related Actions, for good cause shown, hereby ORDERS as follows:

The following actions are consolidated for all purposes including, but not limited to, discovery, pretrial proceedings and trial proceedings, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure:

Abbreviated Case Name	Case No.	Date Filed
<i>Osher v. U.S. Aggregates, Inc., et al.</i> Plaintiff: David Osher ("Osher")	C-01-1688-CW	5/01/01
<i>Young v. U.S. Aggregates, Inc., et al.</i> Plaintiff: Cynthia Young ("Young")	C-01-1984-JL	5/21/01
<i>Ararat Investment Club v. U.S. Aggregates, Inc., et al.</i> Plaintiff: Ararat Investment Club ("Ararat")	C-01-2341-MMC	5/25/01

1. The consolidated cases shall be identified as: *In re U.S. Aggregates, Inc. Sec. Litig.*, Case No. C-01-1688-CW and the files of this action shall be maintained in one file under Master File No. C-01-1688-CW. Any other actions now pending or hereafter filed in this District which arise out of the same facts and claims as alleged in these related actions shall be consolidated for all purposes if, as and when the Court is apprized of them. The parties shall notify the Court of any other action which is pending or filed outside of this District which may be related to the subject matter of these consolidated actions if and when they become aware of such actions.

2. Every pleading filed in these consolidated actions, or in any separate action included herein, shall bear the following caption:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re U.S. AGGREGATES, INC., SECURITIES LITIGATION	}	Master File No. C-01-1688-CW
	}	<u>CLASS ACTION</u>

This Document Relates To:

[PROPOSED] ORD GRANTING MOT TO CONSOLIDATE RELATED ACTIONS -
C-01-1688-CW

1 3. When a pleading is intended to be applicable to all actions to which this Order is
2 applicable, the words "All Actions" shall appear immediately after the words "This Document
3 Relates To:" in the caption set out above. When a pleading is intended to be applicable only to
4 some, but not all of such actions, this Court's docket number for each individual action to which the
5 paper is intended to be applicable and the last name of the first-named plaintiff in said action shall
6 appear immediately after the words "This Document Relates To:" in the caption described above,
7 e.g., "This Document Relates To: Osher, No. C-01-1688-CW."

8 4. From the date of entry of this Order, the parties shall comply with 15 U.S.C. §78u-
9 4(b)(3)(C)(i), without regard to whether a stay under 15 U.S.C. §78u-4(b)(3)(B) is in effect, and shall
10 comply with 15 U.S.C. §78u-4(b)(3)(C)(i)'s provisions concerning documents relevant to allegations
11 contained in any and all of the pleadings in these actions, including any consolidated amended
12 complaint.

13 5. Lead plaintiff shall file a consolidated class action complaint no later than 45 days
14 from the date of the entry of this Order, unless otherwise agreed between the parties, which shall be
15 deemed the operative complaint, superseding all complaints filed in any of the actions consolidated
16 hereunder or in any related cases. The consolidated class action complaint shall be treated as if it
17 were the original complaint and all defendants shall have 45 days after the filing and service of the
18 consolidated class action complaint to answer or otherwise respond. Notwithstanding the filing of
19 the consolidated class action complaint, lead plaintiff shall have the right to amend the consolidated
20 class action complaint pursuant to Federal Rule of Civil Procedure 15(a). In the event that
21
22
23
24
25
26
27
28


1 defendants file any motions directed at the consolidated class action complaint, counsel are to meet
2 and confer and report to the Court with regard to an acceptable briefing and hearing schedule for
3 such motions.

4 * * *

5 **ORDER**

6 IT IS SO ORDERED.

7 DATED: 8/9/01

8 
THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT COURT JUDGE

9 DATED: July 2, 2001

10 Submitted by:

11 MILBERG WEISS BERSHAD
12 HYNES & LERACH LLP
13 JEFFREY W. LAWRENCE
14 CHRISTOPHER P. SEEFER
15 SHIRLEY H. HUANG

16 
CHRISTOPHER P. SEEFER

17 100 Pine Street, Suite 2600
18 San Francisco, CA 94111
19 Telephone: 415/288-4545
20 415/288-4534 (fax)

21 MILBERG WEISS BERSHAD
22 HYNES & LERACH LLP
23 WILLIAM S. LERACH
24 600 West Broadway, Suite 1800
25 San Diego, CA 92101
26 Telephone: 619/231-1058
27 619/231-7423 (fax)

28 [Proposed] Lead Counsel for Plaintiffs

G:\CASES\USAgregates\SGM81075.ord

[PROPOSED] ORD GRANTING MOT TO CONSOLIDATE RELATED ACTIONS -
C-01-1688-CW